

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TERRY L. DIXON,

Plaintiff,

v.

No. CV-2014-

THE UNITED STATES GOVERNMENT,  
U.S. CUSTOMS AND BORDER PROTECTION,  
DEPARTMENT OF HOMELAND SECURITY,  
An Agency of the United States Government,  
AND CBP OFFICER BENJAMIN MORALES,  
Individually, and in his official capacity,

Defendants.

**COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW TERRY L. DIXON, the Plaintiff, by and through her attorney of record, and files this Complaint pursuant to 28 U.S.C. § 2401(b) against the above-named Defendants, and in support, alleges the following:

1. This court has original jurisdiction pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b), 2671-80 et seq.
2. Plaintiff TERRY L. DIXON is a natural person and citizen of the United States of America, who resides in Las Cruces, Dona Ana County, State of New Mexico.
3. Defendant BENJAMIN MORALES is an agent/employee of Defendant U.S. CUSTOMS AND BORDER PROTECTION and was in the course and scope of his employment for Defendant U.S. CUSTOMS AND BORDER PROTECTION at the time of the accident at issue in this case.

4. Defendant U.S. CUSTOMS AND BORDER PROTECTION (hereinafter "CBP") is a governmental entity.

5. Venue is proper in the United States District Court for the District of New Mexico as the claim herein arose within this district.

6. CBP, an agency of the United States Government, at all times relevant hereto was the owner of the vehicle involved in the motor vehicle accident which occurred in Dona Ana County, New Mexico, and made the basis of this lawsuit.

7. Defendant, CBP OFFICER BENJAMIN MORALES, sued individually and in his official capacity, is an adult resident of the State of New Mexico. CBP OFFICER BENJAMIN MORALES was the driver of the government vehicle involved in the accident made the basis of this lawsuit.

8. On December 3, 2011 Plaintiff TERRY L. DIXON was stopped at a red traffic light at the intersection of N. Triviz and Spruce Avenue in Las Cruces, New Mexico when suddenly and without warning the vehicle she was driving was rear ended by a U.S. Government vehicle being driving by Defendant CBP OFFICER BENJAMIN MORALES.

9. As a direct and proximate result of the Defendant's conduct and the motor vehicle accident, Plaintiff TERRY L. DIXON has suffered painful injuries to her neck, shoulder, back, and severe headaches, among others, for which she received treatment, and for which she will continue to need treatment in the future. In addition to incurring medical bills, past and future, Plaintiff has endured and will continue to endure physical pain and suffering, mental pain and anguish, fear of driving and loss of enjoyment of life.

10. As a direct and proximate result of the Defendant's conduct and the motor

vehicle accident, Plaintiff TERRY L. DIXON's vehicle was damaged.

11. If Defendant CBP were a private person, it would be liable to Plaintiff in accordance with the laws of the State of New Mexico.

12. The accident complained of was caused solely as a result of the negligence and/or wrongful acts and/or omissions of Defendant CBP OFFICER BENJAMIN MORALES, while acting within the scope of his employment with Defendant CBP, in the following particulars:

- a) Failing to control his vehicle and losing control of his vehicle;
- b) Driving in a reckless and careless manner;
- c) Failing to see what he should have seen;
- d) Disregarding the traffic signal governing his lane;
- e) Following too closely;
- f) Failing to obey the rules of the road;
- g) Other acts of negligence which will be proven at the time of the trial in

this matter.

13. At the time of the accident complained of herein, CBP OFFICER BENJAMIN MORALES was employed by the U.S. Government with U.S. CBP and was in the course and scope of his employment and, therefore, his employer is vicariously liable for his actions.

14. On August 14, 2012 a Claim Form for Damage, Injury or Death (Standard Form 95) for the injuries and damages sustained by Plaintiff was submitted to the Department of Homeland Security, Customs and Border Protection (See Exhibit A attached hereto and incorporated herein by reference).

15. On February 24, 2014 Ronald D. Vitiello, Deputy Chief, Office of Border Patrol acknowledged receipt of the Claim Form for Damage, Injury or Death submitted by Plaintiff and further stated that the claims were being denied (See Exhibit B attached hereto and incorporated herein by reference).

**WHEREFORE**, premises considered, Plaintiff TERRY L. DIXON demands judgment of and from Defendants, in an amount reasonable under the circumstances, together with all costs of court and all other just and equitable relief as the court deems just and proper.

Respectfully Submitted,

CAMUÑEZ LAW FIRM, P.C.

By: /s/ Electronically Filed 8/22/14  
Rosanne Camuñez  
Attorney for Plaintiff  
833 N. Alameda Blvd.  
Las Cruces, NM 88005  
(575) 532-8270

**VERIFICATION**

STATE OF NEW MEXICO   )  
  )ss.  
COUNTY OF DOÑA ANA   )

I, TERRY L. DIXON, duly sworn upon oath do state that I am over the age of eighteen (18) years, that I am the Plaintiff in this cause of action, that I have read the foregoing Complaint And Demand for Jury Trial, and to the best of my knowledge everything stated is true and correct.

  
TERRY L. DIXON

SUBSCRIBED AND SWORN TO before me this 22 day of AUGUST, 2014 by  
TERRY L. DIXON

  
NOTARY PUBLIC

My Commission Expires:

12/6/15

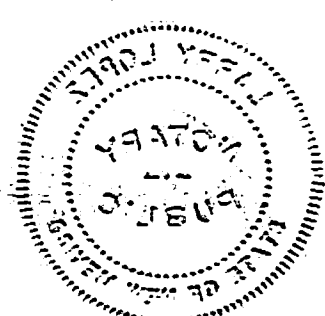
10/1/14

OFFICE OF THE  
CLERK OF THE COURT

On this day, the Court has received the following information from the  
Clerk of the Court, which is being provided to you for your information.  
The Court has received the following information from the Clerk of the Court:

10/1/14

10/1/14



10/1/14

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TERRY D. SINGLETON,

Plaintiff,

v.

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Individually, and in his official capacity,

Defendants.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial as provided by Rule 38 (a) of the Federal  
Rules of Civil Procedure.

Respectfully Submitted,

CAMUÑEZ LAW FIRM, P.C.

By: /s/ Electronically Filed 8/22/14

Rosanne Camuñez

Attorney for Plaintiff

833 N. Alameda Blvd.

Las Cruces, NM 88005

(575) 532-8